



Office of Air and Radiation
Office of Air Quality Planning and Standards
Innovative Strategies and Economics Group
Operating Permits Group

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INFORMATION COLLECTION REQUEST FOR PART 70 OPERATING PERMIT REGULATIONS

prepared by

Daniel Charles Mussatti, Senior Economist
Innovative Strategies and Economics Group
Air Quality Strategies and Standards Division

and

Roger Powell, Environmental Scientist
Operating Permits Group
Information Transfer and Program Integration Division



Executive Summary

The approved burden level in the previous ICR was 3.5 million hours per year for sources, 1.7 million burden hours per year for permitting authorities (PAs), and 64 thousand hours for the Federal government; for a total of 5.2 million hours each year. The current ICR predicts 3.2 million, 1.6 million, and 44 thousand hours, respectively, for each respondent group, for a total of 4.8 million hours. Overall, this is an expected reduction in burden of 400 thousand hours. For sources, this is a decrease in burden of 284 thousand hours primarily due to having completed their permit applications. The concomitant burden increases in monitoring recordkeeping, and reporting somewhat offset this decrease. The Agency predicts States and other permitting authorities will benefit from a burden reduction of about 97 thousand hours per year. The Federal government will receive an expected 19 thousand hour reduction in burden.

TABLE E-1
BURDEN CHANGE FROM 2-28-97 ICR TO CURRENT ICR

	Average Annual Burden in 2-28-1997 ICR	Average Annual Burden in ICR Renewal	Difference
Sources	3,478,333	3,194,557	(283,776)
PAs	1,682,000	1,585,063	(96,937)
Federal	63,667	44,297	(19,370)
TOTAL	5,224,000	4,823,917	(400,083)

CONCLUSION:

This ICR represents a **DECREASE IN BURDEN**, relative to the Operating Permits Program's prior ICR.

Table E-1 displays the expected annual burden and the expected change in annual burden for sources, permitting authorities, and the Federal government for implementation of the title V Operating Permits Program between March 2000 and March 2003. Of the 4.8 million hours the Agency anticipates it will take to perform all the functions required each year, about two-thirds of the burden applies to sources. However, the magnitude of the total expected burden can be misleading, due to the number of permitted sources. For the 20,924 sources included in this analysis, the average expected burden is relatively small - about one month of a full time employee's time.

Permitting authorities incur about a third of the burden of part 70 management, with the total burden spread between a significantly smaller number of entities than that for sources. On average, the Agency estimates the burden associated with the title V Operating Permits Program will be about 14,000 hours per year per PA. On average, each PA can expect to expend about 76 hours of effort per source each year, at a cost of about \$2,800 per permit. However, PA burden cannot be considered an Unfunded Mandate because the net cost to permitting authorities for their management of an operating permits program must, by law, be passed on to the PA's sources through the permit fee. The cost of permits to sources must be of sufficient magnitude to fully offset all permit management costs. Hence, the true annual cost to permitting authorities under title V is zero, and the true annual cost to sources is \$160.9 million, approximately \$7,700 per source per year.

The burden and cost savings represented in this ICR for Federal oversight derives from a reduction in the overall level of effort expected in most burden categories. For instance, the 1997 ICR anticipated the EPA would review all permits.¹ This ICR, however, estimates the Agency will probably review no more than a quarter of all proposed permits it receives during the ICR period.

In accordance with the analytical requirements established under the Regulatory Flexibility Act (RFA) and the Small Business regulatory enforcement Fairness Act (SBREFA), the Agency has determined that, because this ICR represents regulatory relief relative to its predecessor, there are no adverse effects to be identified *vis a vis* small entities and small businesses.

Because this ICR represents a decrease in burden, the Agency determined there is NO SIGNIFICANT IMPACT ON A SUBSTANTIAL NUMBER OF SMALL ENTITIES.

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1 Identification of the Information Collection

1.1 Title

**EPA TRACKING
NUMBER:
1587.05**

**OMB TRACKING
NUMBER:
2060-2043**

This analysis is titled: “Information Collection Request For Part 70 Operating Permit Regulations”. It fulfills the Agency's requirements under the Paperwork Reduction Act (PRA) to determine, report, and periodically update the regulatory burden associated with the Operating Permits Program, codified in section 40 of the Code of Federal Regulations (40 CFR) part 70. This report has been assigned EPA tracking number ICR # 1587.05. The OMB tracking number for this ICR is 2060-0243.

1.2 Description

Title V of the Clean Air Act requires States to develop and implement a program for issuing operating permits to all sources that fall under any Act definition of major and certain other non-major sources that are subject to Federal air quality regulations. The Act further requires EPA to develop regulations that establish the minimum requirements for those State operating permits programs and to oversee their implementation. The EPA regulations setting forth requirements for the operating permits programs were codified at 40 CFR part 70 on July 21, 1992.

The activities that will occur during the period of this ICR include:

- permitting authorities issuing the remaining permits;
- sources submitting semi-annual monitoring and annual compliance certification reports;
- permitting authorities reviewing those reports;
- sources submitting applications for permit revisions;
- permitting authorities processing permit revisions;
- sources applying for permit renewal;
- permitting authorities renewing permits;
- newly subject sources submitting permit applications; and
- permitting authorities issuing new permits.

All of these data are made available for public review and comment. The activities to carry out these tasks are considered mandatory and necessary for implementation of title V and the proper operation of the operating

permits program. The information will also be available for public inspection at any time in the offices of the permitting authorities.

The Agency anticipates annualized direct costs of the part 70 permit program for the three years of the ICR to subject sources to be approximately \$306.7 million. These represent the direct administrative costs for 20,924 sources, or approximately \$4,900 per source per year (153 hours per source per year). The Agency estimates the cost of the part 70 permit program for the three years of the ICR to permitting authorities to be approximately \$175.9 million (\$2,800 and 76 hours per source per year). The Agency expects Federal costs for the three years of the ICR will be approximately \$4.9 million (2 hours and \$78 per source per year).

2 Need and Use of the Collection

- 2.1 Need / Authority for the Collection** In implementing title V of the Act and EPA's part 70 operating permits regulations, State and local permitting authorities must develop programs and submit them to EPA for approval (section 502(d)). Sources subject to the program must prepare operating permit applications and submit them to the permitting authority within 1 year after approval of the program by EPA (section 503). Permitting authorities will then issue permits (section 503(c)) and thereafter enforce, revise, and renew those permits at no more than 5-year intervals (section 502(d)). Permit applications and proposed permits will be provided to, and are subject to review by, EPA (section 505(a)). The permit and all information submitted by a source shall be available for public review except for confidential information which will be protected from disclosure (section 503(e)) and the public shall be given public notice of, and an opportunity for comment on, permit actions (section 502(b)(6)). Sources will semi-annually submit compliance monitoring reports to the permitting authorities (section 504(a)). The EPA has the responsibility to oversee implementation of the program (section 502(d)(3)). A copy of sections 502 through 504 of title V of the Act are in Attachment 1.

2.2 Practical Utility / Users of the Data

The burden estimates included in this ICR include the total burden of implementing the part 70 operating permits program. For the 3-year period covered by this ICR, all State programs (including those portions of States for which an operating permits program is being implemented by a local agency) have been submitted to EPA and have been granted either full or interim approval. All permit applications have been submitted to State or local permitting authorities except for sources that will newly be subject to the program.

To carry out the remaining activities of the program (listed above in section 1.2), permitting authorities must obtain the required information from sources subject to the program and they must then carry out their functions (e.g., permit issuance, renewal, and revision and report review) based on the information. For EPA to carry out its required oversight function of reviewing proposed permits and permit revisions and assuring adequate implementation of the program, information on permit applications, permit revision and renewal applications, issued permits, and source data reports must be available to the Agency.

2.3 Caveats and Considerations

The information included in this ICR is based upon the best data sources available to the Agency at this time. However, inconsistencies in PA reporting techniques, incomplete data sets, and sampling limitations imposed upon the Agency by the Paperwork Reduction Act necessitated a certain amount of extrapolation and “best-guess” estimations by permitting authority and Agency experts. Consequently, the reader should not consider the conclusions to be an exact representation of the level of burden or cost that will occur during the three years of this ICR. Instead, this ICR should be considered a directionally correct assessment of the impact the Operating Permits Program will have over the next three years.

Throughout this ICR, the reader will observe estimated values that show accuracy to the single hour or dollar. Because this ICR estimates the expected impact of the Operating Permits Program, reporting values at the single unit level may be misleading. In most situations, the proper way to present estimated data would be to determine an appropriate level of precision and truncate values accordingly, usually in terms of thousands or millions of units. For instance, a spreadsheet generated estimation of

\$5,456,295 would be presented in the text as \$5.5 (millions) or \$5,456 (thousands). One problem with such an approach is the loss of data richness when the report contains a mixture of very large and very small numbers. Such was the case with this ICR, where source values are consistently in the millions and Federal values in the tens of thousands. Consequently, to avoid the loss of information through rounding, this ICR reports all values at the single unit level and reminds the reader that there is no implied precision inherent in this style of reporting.

3 Non-Duplication, Consultation, and Other Collection Criteria

3.1 Non-Duplication While much of the information requested under this ICR existed prior to the creation of the operating permits program, an operating permit is a compilation of existing requirements; the purpose being to bring all requirements applicable to a source into one document. The intent of this compilation is to (1) resolve any questions of applicability at the time of permit issuance, (2) provide certainty to sources as to their obligations, and (3) provide the public access to a source's obligations and compliance status. The Agency has no leeway to not require such previously existing information under this ICR since consolidation of the information into the operating permit and providing public access is the whole purpose of the statute. To the extent that similar information was previously collected (e.g., State permits under State implementation plans), the part 70 program may replace those activities thus avoiding duplication of efforts.

3.2 Public Notice Requirements For any existing rule, § 3507(g) of the PRA limits how long a Director may take to approve a collection of information to 3 years. The 1992 ICR for part 70 expired in July 1995 and was granted an extension to September 30, 1996 to accommodate changes that had occurred to the program since the approval of the 1992 ICR. On February 28, 1997, OMB approved the renewed ICR for part 70 (OMB number 2060-0243, EPA tracking number 1587.04). That ICR expired on February 28, 2000. This ICR is a renewal of the February 28, 1997 ICR.

Except for information collection in notices of proposed rules or those exempted under the emergency processing provisions of 44 U.S.C.

§ 3507(j), the PRA requires EPA to solicit comment on each proposed information collection, including the renewal or modification of any existing ICR. On October 18, 1999, (64 FR 56207) EPA published a notice soliciting comment on an analysis of burden for the part 70 program for the 3-year period of this ICR (i.e., February 28, 2000, to February 28, 2003). A copy of the October 1999 notice is attached as Attachment 2.

3.3 Consultations

In preparing this ICR, EPA contacted the following permitting authorities to obtain estimates of the burden of the various activities associated with the part 70 program:

- Tom Micai, New Jersey DEP, 609-292-0834
- Lisa McClung, West Virginia DEP, 304-558-0885
- Wayne Anderson, Mississippi DEQ, 601-961-5153
- Rick McVaigh, San Joaquin UAPCD, 209-497-2000

Geri O. Sullivan of the State and Territorial Air Pollution Program Administrators and the Association of Local Air Pollution Control Officers (STAPPA/ALAPCO) contacted the following and provided their responses to EPA:

- Jim Ross, Illinois EPA, 217-782-4651
- Brian Fitzgerald, Vermont ANR, 802-241-3848
- Phil Davis, Alabama DEM, 334-271-7875
- Curt Marshall, Regional Air Pollution Control Agency (Dayton, OH), 937-225-4435
- Renee Bashel, Wisconsin DNR, 608-266-7718

3.3 Effects of Less Frequent Collection

In general, the information collections included in this ICR are one-time submittals per activity (e.g., permit application, permit issuance, permit revision). Exceptions are the semi-annual compliance monitoring data report and the annual compliance certification. These two reports are required by section 503(b)(1) and (2), respectively, of the Act and EPA has no leeway to require less frequent reporting.

3.4 General Guidelines

Part 70 requires retention of all monitoring data and support information and all permit applications, proposed permits, and final permit records for a period of 5 years. These records are necessary to fulfill the intent of title V to assure compliance with applicable requirements. Questions regarding the obligations of a source and its status of compliance can be resolved through such records.

3.5 Confidentiality

All information, other than confidential business information, relating to the permitting of sources under this program and related to compliance monitoring are required by section 503(e) of the Act to be subject to public review at all times. Section 70.4(b)(3)(viii) requires the permitting authority to make available to the public any permitting information except that entitled to protection from disclosure under section 114(c) of the Act. Protected information may be required to be submitted directly to EPA. Such information will be stored in EPA's Confidential Business Information office.

4 The Respondents and the Information Requested

4.1 Respondents

Respondents to this information collection come from two groups: permitting authorities (PAs) and sources required to obtain an operating permit.

All States are required by title V to develop a part 70 operating permits program. In many instances, local agencies administer a program in their jurisdiction in lieu of the State and are thereby subject to the same program requirements as States. In total, there are 112 State, territorial, and local agencies administering operating permits programs.

Under title V, all major stationary sources must obtain an operating permit.² Some non-major sources may also be subject to the program if they are subject to a Federal standard such as a New Source Performance Standard. Most of these sources have been exempted from the program or

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All definitions of "major" in the Act.

the applicability of the program requirements are deferred until some future date. Information provided to the EPA by permitting authorities indicate 20,660 sources are now subject to the program, representing more than 500 SIC codes.

4.2 Information Requested

All activities associated with the operating permits program are considered information collection activities and are reflected in the ICR for part 70. Following are lists of the operating permits program data items submitted by sources and permitting authorities and program activities performed by permitting authorities and sources. These lists differ from those included in previous part 70 ICRs because experience gained in implementing the program allows a more realistic breakout of activities. The Agency believes the list of tasks below more accurately represents the burdens experienced by sources and permitting authorities and allows a more accurate estimate of burden.

4.2.1 Data Items Submitted, including Recordkeeping Requirements

Permitting Authorities (submitted to EPA):

- Application for permits, permit revisions, and permit renewals
- Draft/proposed permits, permit revisions, or permit renewals
- Final permit
- Annual report of enforcement activities

Sources (submitted to permitting authority):

- Application for permits, permit revisions, and permit renewals
- Semi-annual periodic monitoring report
- Annual compliance certification report

4.2.2 Respondent Activities

PERMITTING AUTHORITY ACTIVITIES

- **Program administration:** Responding to inquiries about the program, developing internal and external program guidance, planning, attending program training, permit fee collection, providing source training, attending EPA meetings and conferences, providing public education, and other program related activities
- **Permit review:** including discussions with a source concerning the permit application

- **Draft permit preparation:** including contact with the source
- **Comment period notification:** Providing notice to the public, EPA, and affected States of the comment period on a draft permit
- **Public hearing administration**
- **Interaction with EPA** on a proposed permit, including negotiations, re-drafting, and formal EPA objections (including those attributable to public petitions)
- **Response to public comments:** Analyzing public comments and revising the permit accordingly
- **Permit issuance:** including web activities and source notification
- **General permits** administration (Burden for issuing general permits included with other permit issuance burden)
- **Permit revision**
- **Permit renewal:** (reviewing application, drafting any changes, public notice, issuance)
- **Monitoring and compliance certification:** Reviewing semiannual monitoring reports and annual compliance certification
- **Annual reporting:** Preparing and submitting to EPA annually a report of the State's enforcement activities

SOURCE ACTIVITIES

- **Permit application preparation,** including internal meetings, permitting authority discussions, management and legal department involvement, responsible official certification, contractor services
- **Draft permit development:** Interaction with the permitting authority on draft permit development
- **Gap-filling development:** Development of periodic monitoring gap-filling
- **Public hearing participation**
- **Operate gap-filling periodic monitoring** (annual burden to operate monitors, keep records, etc.)
- **Monitoring reports:** Preparing semi-annual monitoring data reports, including data analysis, responsible official certification, and report submission (annual burden for both reports). Include preparing and submitting annual compliance certification

- **Permit revisions**
- **Permit renewal**
- **Other activities** associated with permit renewal, including discussions with permitting authority and public hearing participation.

EPA ACTIVITIES

- **Review proposed permits** and permit revisions to determine if they provide for compliance with all applicable requirements.
- **Review periodic monitoring** provisions of proposed permits or permit revisions to see if they are adequate to demonstrate compliance with applicable requirements.
- **Consult** with the permitting authority on any problems detected in the proposed permit or permit revision.
- **Review annual reports** of enforcement activities.

5 The Information Collected - Collection Methodology, and Information Management

5.1 Collection Methodology and Management

The Agency will receive proposed permits or permit revisions in hard copy or electronically, depending on permitting authority capability. Each EPA Regional Office has determined with their permitting authorities the most efficient system to exchange information. Each Regional Office maintains files of permit information only to the extent that the office determines the need for file retention. This will vary depending on factors such as the source (e.g., large, complicated sources vs. small), the type of permit (general vs. full), the number of actions occurring at a source, or the record of the source with respect to compliance. There is no need to maintain complete files of permit actions for public access since these are maintained by permitting authorities.

5.2 Small Entity Flexibility

Title V provides few ways to mitigate the effects of operating permit regulations on small entities. Under section 502(a) of the Act, the Agency has exempted or deferred applicability of title V to most non-major source categories for which compliance with title V will be impracticable,

infeasible, or unnecessarily burdensome. The Agency has not analyzed how many of these non-major sources will be small businesses, but believes that a large percentage may fall under that definition.

For industries with a large number of identical sources (e.g., dry cleaners, bulk gasoline distribution terminals), general permits may be used to meet the requirements of title V instead of a source-specific permit. General permits can reduce the burden of the program on small businesses.

In accordance with the analytical requirements established under the Regulatory Flexibility Act (RFA) and the Small Business regulatory enforcement Fairness Act (SBREFA), the Agency has determined that, because this ICR represents regulatory relief relative to its predecessor, there are no adverse effects to be identified *vis a vis* small entities and small businesses.

5.3 Collection Schedule

Items identified in section 4.2.1 are listed below with their schedule for submission.

Permitting Authorities (submitted to EPA):

- Application for permits, permit revision, and permit renewal should be submitted to EPA with the proposed permit or permit revision.
- Draft/proposed permits, permit revisions, or permit renewals should be submitted when the State wants to commence EPA review period of the proposed permit or permit revision.
- The final permit should be submitted to EPA soon after it is issued, but there is no deadline in part 70 for this submission.
- The annual report of enforcement activities is submitted to EPA annually, but part 70 does not specify a date.

Sources (submitted to permitting authority):

- New permit applications are due within 1 year after a source becomes subject to the program.
- Permit revision applications are submitted by a source when it wishes to make a change to its permit. There is no schedule for these submissions in that they are at the discretion of the source.

- Permit renewal applications are due at least 6 months prior to expiration of the permit.
- The semi-annual periodic monitoring report is due to be submitted to the permitting authority twice a year on dates specified by the permitting authority.
- The annual compliance certification report is due annually on a date specified by the permitting authority.

6 Estimating the Burden and Cost of the Collection

6.1 Estimating The Number of Respondents

There are 20,924 sources represented in this ICR:

20,660 existing sources

114 additional sources to be added by New Jersey

150 new sources over the 3 years of the ICR

Historically, the Agency has identified 116 permitting authorities for title V purposes. This number includes several governmental agencies that do not manage operating permits programs. In actuality, there are 112 permitting authorities acting within the United States. Forty-nine states operate as permitting authorities, with California employing 34 local air quality management organizations in lieu of a statewide permitting authority. Puerto Rico, the Virgin Islands, and Washington D.C. all have operating permits programs, and there are 26 county or regional Permitting authorities within states that operate in a manner similar to that of California.

As of November, 1999, the Agency identified 20,660 title V sources in the United States.³ New Jersey anticipates their program will increase by an additional 114 sources. However, permits for these sources are not projected to be issued until the 3rd year of this ICR.⁴ During the three years of this ICR, the Agency expects approximately 50 new sources will become subject to the permitting program each year. Due to the backlog of pending permits, this ICR assumes all 150 new sources and the 114 New Jersey sources will be addressed in the third year of this ICR. Agency information indicates 8,254 sources will be permitted by November 1999,

3 Correspondence with the Operating Permits Group, Information Transfer and program Integration Division, United States Environmental Protection Agency.

4 Conversations between Roger Powell, U.S. EPA / OAQPS / OPG, and Tom Micai, New Jersey Department of Environmental Protection, December, 1999.

and an additional 1,653 sources are expected to be permitted by March 2000, for a total of 9,907 permitted sources at the beginning of

TABLE 1
IDENTIFICATION OF AFFECTED ENTITIES AND PERMIT ISSUANCE SCHEDULE

PERMITTING AUTHORITIES		SOURCES	
State Permitting Authorities	49	Total Population of Title V Sources	20,660
PLUS: California Local Authorities	34	Less: Sources Permitted Before December 1999	8,254
PLUS: Territories and Possessions	2	Less: Sources Permitted December 1999 to March 2000	<u>1,653</u>
PLUS: District of Columbia	1	Total Sources Expected to Be Permitted by March 2000	9,907
PLUS: Other Local PAs	26	Sources Remaining to Be Permitted	<u>10,753</u>
Total Permitting Authorities	<u>112</u>		
		Percent of Sources Expected to Be Covered by General Permits	20%
		Sources Expected to Be Covered	4,132
		Less: Sources Covered by December 1999	3,128
		General Permitted Sources During this ICR	<u>1,004</u>
		Existing Sources to be Permitted in First Year of this ICR	7,438
		Less: Expected General Permit Sources	1,004
		Plus: Expected General Permits	<u>10</u>
		Total Permits Expected to be issued in Year 1	<u>6,444</u>
		Existing Sources to be Permitted in Year 2 of this ICR (all remaining)	<u>3,315</u>
		New Jersey Additional Sources	114
		New Subject Sources During ICR Period (3 years)	<u>150</u>
		Total Permits Expected in Year 3	<u>264</u>
		Total Permits Expected to Be Approved During This ICR	<u>10,023</u>

this ICR's period of analysis. Of the remaining 10,753 sources, the Agency expects 7,438 will be permitted during the first year of this ICR, with the remaining (3,315 sources) permitted in the second year of this ICR. During the third year of this ICR, the Agency expects the 114 New Jersey sources and the 150 new sources subject to permitting during the ICR period will all be permitted. While this assumption may be an overstatement of the actual level of effort expended by permitting authorities over the life of this ICR, it represents the Agency's efforts to bring to completion the initial issuance of operating permits.

In the original 1992 RIA and ICR for the Operating Permits Regulations, the Agency anticipated 34,324 sources would be required to obtain operating permits. Since that time, the Agency has offered additional regulatory relief to sources by providing a vehicle through which sources defined as major based upon their potential to emit can, by contractually limiting operations, reduce their potential to emit to under the major source threshold (generally 100 tons per year of a criteria pollutant, 25 tons of a mixture of HAPs, or 10 tons of a single HAP). The success of this "synthetic minor" program can readily be seen by the significant drop (over 14,000 sources) in the number of affected major sources.

Another example of regulatory relief incorporated into the operating permits program is the general permit, which allows large numbers of homogenous major sources of pollution to receive the same permit. This program has been successful in allowing approximately 15% (about 3,000 of all existing part 70 sources) of all part 70 sources a cost effective alternative to single source permitting. Further use of general permits will, in the Agency's estimation, increase that percentage to 20%. Consequently, this ICR estimates the creation of ten new general permits, covering 1,004 sources.

Between March 1996 and March 1997, 1493 sources were issued permits. Past data indicates 239 of those sources were covered by general permits, leaving 1,254 permits subject to renewal during year 2 of this ICR. Between March 1997 and March 1998, an additional 1,952 sources were issued permits, with 312 covered by general permits, leaving 1,640 permits

subject to renewal during year 3 of this ICR. Finally, the Agency expects 50 new major sources will apply for permits each year, or an additional 150 sources during the three years of this ICR. While these permits will arrive throughout the ICR period, the Agency expects permitting authorities will be too busy to issue them permits until the last year of the ICR, when all other permits have been issued.

6.2 Estimating Burden

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review

TABLE 2
AVERAGE SOURCE BURDEN BY ACTIVITY

ACTIVITY	BURDEN PER SOURCE OR PERMIT
Prepare Application	300 hrs
Draft Permit Interaction	40 hrs
Gap-filling Monitoring Development	40 hrs
Public Hearing Participation	10 hrs
Operate Gap-filling Periodic Monitoring	200 hrs
Prepare Monitoring Reports	80 hrs
Permit Revisions	
Significant Permit Modifications (10% of Permits)	80 hrs
Minor Permit Modifications (50% of Permits)	40 hrs
Administrative Amendments (50 % of Permits)	8 hrs
Re-application for General Permit	2 hrs
Permit Renewal	200 hrs
Other Activities	20 hrs

instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. The Agency derived its estimates in Tables 2 and 3 from consultations with fewer than nine respondents from the regulated community. The specific tasks included in each activity are in Section 4.2.2, above, and the worksheets in Attachment 4 of this ICR.

TABLE 3
PERMITTING AUTHORITY BURDEN BY ACTIVITY

ACTIVITY	BURDEN PER PERMIT OR PROGRAM
Program Administration	3,500 hrs / PA
Permit Application Review	100 hrs / permit
Draft Permits Preparation	150 hrs / permit
Comment Period Notification	10 hrs / permit
Hold Public Hearings	100 hrs / hearing
Interaction with EPA	20 hrs / permit
Analyze Public Comments	40 hrs / permit
Permits Issuance	8 hrs / permit
General Permits	80 hrs / PA
Permit Revision	
Significant Permit Modification	60 hrs / permit
Minor Permit Modification	20 hrs / permit
Administrative Amendment	5 hrs / permit
Permits Renewal	60 hrs / permit
Renew General Permits	10 hrs / permit
Review Monitoring and Compliance Certification Reports	5 hrs / report / permit
Annual Enforcement Activity Reporting	40 hrs / PA

Based upon its experience with the operating permits program over the past eight years, the Agency revised its estimations of Federal burden from the categories discussed above in section 4.2.3. Table 4 includes burden estimates for each of these revised categories.

TABLE 4
EPA ACTIVITIES

ACTIVITY	BURDEN PER PERMIT OR PROGRAM
Review Proposed Permits *	
New Permits (25%)	20 hrs / permit
Significant Permit Modifications	8 hrs / revision
Minor Permit Modifications	1 hrs / revision
Consultation	
New Permits (25%)	8 hrs / permit
Significant Permit Modifications(25%)	8 hrs / permit
Minor Permit Modifications (25%)	1 hr / permit
Review the Annual Enforcement Activity Reports	10 hrs. per report

* Includes the burden for review of periodic monitoring.

6.3 Estimating Costs

6.3.1 Estimating Source Costs

Historically, the Agency had assumed 70% of all source burden categories would be performed in-house, with the remaining 30% delegated to contractors.⁵ However, this ICR reassesses that assumption and believes a more appropriate representation would be to allocate contractor support for only the permit application task. This analysis assumes one-third of the source's permit application preparation would be performed by contracted labor. The remainder of the source's tasks would be done entirely in-house.

⁵ C.f. United States Environmental Protection Agency, Regulatory Impact Analysis and Regulatory Flexibility Act Screening for Operating Permits Regulations, EPA-450/2-91-011, June 1992, pp. 16 - 17.

To calculate 1999 in-house wage rates, the Agency employed the same methodology used to determine an appropriate cost for Federal and PA burden. To determine technical, supervisory, and support staff rates for industry, this ICR started with the appropriate wage rates established by the U.S. Bureau of the Census.⁶ Since the latest published wage rates were in 1996 dollars, the Agency adjusted them through the latest Employment Cost Index (ECI). ECI figures were available from the Bureau of the Census for white collar occupations through 1996. The Agency extrapolated from 1996 to 1999 by taking the average increase in ECI for 1994, 95, and 96 and applying that average to each of the three years between 1997 and 1999, resulting in an approximation of the true ECI of 108.6 for 1999. Table 6 below displays the calculation of the industry in-house wage rate applied to this analysis of \$32.

TABLE 5
DETERMINATION OF SOURCE IN-HOUSE BURDEN COSTS

Annual Salary, Technical Support, (FY 96, adjusted to 1999) *		\$36,537.38
Annual Salary, Administrative Staff, (FY 96, adjusted)*	\$34,786.75	
Factor (1/11)	<u>0.09</u>	
		\$3,162.12
Annual Cost of Admin. Support Staff, (FY 96 , adjusted to 1999)*	\$22,080.55	
Factor (1/8)	<u>0.13</u>	
		\$2,760.07
Annual Applicable Salary of Permit Staff		<u>\$42,459.57</u>
Benefits (at 16%)		\$6,793.53
Sick Leave / Vacation (at 10%)		\$4,245.96
General Overhead		<u>\$13,727.18</u>
Total Cost Per FTE		\$67,226.24
Total Hourly Cost (Total Per FTE divided by 2,080 hours per year)		\$32.32

* U.S. Department of Commerce, Economics and Statistics Administration, Bureau of the Census; Statistical Abstract of the United States, 1997, Table 672.
<http://www.bea.doc.gov/bea/dn/aadata.exe>, December 7, 1999

6 United States Department of Commerce, Economics and Statistics Administration, Bureau of the Census; Statistical Abstract of the United States, 1997, 117th Ed., No. 671, 673.

For contracted labor, operating permit management and reporting require the same skills employed by the EPA's consultants. As an estimation of a source's consulting costs, the Agency averaged the fully loaded cost of three environmental contractors at the PL 2 (secretarial support), PL 3 (technical), and PL 4 (administration) levels, applying the methodology employed in Table 5 for establishing a Federal and PA FTE wage rate. The fully loaded hourly wage rate for Industry-hired consultants is \$268.⁷ Therefore, the hourly rate for permit preparation has been set at \$111 (1/3 of \$268 plus 2/3 of \$32). All other source tasks are estimated at \$32 per hour.

6.3.2 Estimating PA and Agency Costs

Historically, the Agency has applied a \$34 per hour rate for Federal and State full time employee (FTE) wage rates, and a \$45 rate for source FTE wages. During the development of the ICR for the part 71 Federal Operating Permit Regulations, the Agency was instructed by the Office of General Council (OGC) to compute more accurate estimations of these hourly costs. To determine the appropriate hourly wage to apply to each respondent burden estimation, OGC instructed the Agency to assume the appropriate FTE rate to apply would be a GS-11 Step 3, fully loaded to account for overhead, benefits, and all other appropriate costs. To fully incorporate the cost of that FTE's support staff and managerial costs, the Agency also assumed one-eleventh of a manager's time (at a GS-13, Step 3 level), and one-eighth of a secretary's time (at a GS-6, Step 6 level). An analysis of the components of this cost can be found in the part 71 ICR in Appendix A as Table A-5, which defines a cost of \$34 per hour for permitting authority and Federal burden.⁸ Applying the same process to current wage rates for the Federal government, the Agency determined the appropriate cost of Federal and permitting authority burden is \$37 per hour. Table 5 displays the calculation of this rate.

7 Due to the confidential nature of the data employed, this ICR does not offer any tables or appendices detailing the derivation of this contractor burden rate.

8 United States Environmental Protection Agency, Information Collection Request Analysis for Part 71 Federal Operating Permits Program, December 1995.

Table 7 lists the burden categories for respondent sources, the number of estimated occurrences for each item, and the expected cost for each, based on the burden estimations from Table 2.

Table 8 lists the burden categories for respondent permitting authorities, the expected number of permits or programs involved, and the expected cost for each, based on the burden estimations from Table 3.

Table 9 lists the burden categories for Federal oversight, the number of estimated permits or programs involved, and the expected cost for each, based on the burden estimations from Table 4.

TABLE 6
DETERMINATION OF FEDERAL AND PERMITTING AUTHORITY BURDEN COSTS

Annual Salary of Permit Staff, GS 11 Step 3 (FY 99 Schedule)*		\$40,260.00
Annual Cost of Supervisory Staff, GS 13 Step 3 (FY 99 Schedule)*	\$57,379.00	
Factor (1/11)	0.09	
		\$5,164.11
Annual Cost of Support Staff, GS 6 Step 6 (FY 99 Schedule)*	\$26,773.00	
Factor (1/8)	0.13	
		\$3,346.63
Annual Applicable Salary of Permit Staff		\$48,770.74
Benefits (at 16%)		\$7,803.32
Sick Leave / Vacation (at 10%)		\$4,877.07
General Overhead		\$15,767.58
Total Cost Per FTE		\$77,218.70
Total Hourly Cost (Total Per FTE divided by 2,080 hours per year)		\$37.12

* <http://www.opm.gov/oca/99tables/GSannual/gsanpdf/99GS.PDF>, December 7, 1999

**TABLE 7
THE BURDEN AND COST OF SOURCE ACTIVITIES**

ACTIVITY	AFFECTED PERMITS		TOTAL BURDEN (HOURS)		TOTAL COST (\$1999)
Program Application **	264		79,200		\$8,791,200
Draft Permit	264		10,560		\$337,920
Gap Filling Monitoring Development	5,007		200,280		\$6,408,960
Public Hearing Participation	200		2,000		\$64,000
Operate Gap Filling Monitoring	year 1	3,390	year 1	678,000	\$21,696,000
	year 2	6,607	year 2	1,321,400	\$42,284,800
	year 3	8,264	year 3	<u>1,652,800</u>	<u>\$52,889,600</u>
				3,652,200	\$116,870,400
Prepare Monitoring Reports	year 1	9,907	year 1	792,560	\$25,361,920,444,032,030 ,000,000,000,000,000
	year 2	17,345	year 2	1,387,600	
	year 3	20,660	year 3	<u>1,652,800</u>	
				3,832,960	
Permit Revisions					
Significant Permit Modifications	year 1	678	year 1	54,240	\$1,735,680
	year 2	1,321	year 2	105,680	\$3,381,760
	year 3	1,653	year 3	<u>132,240</u>	<u>\$4,231,680</u>
				292,160	\$9,349,120
Minor Permit Modifications	year 1	3,390	year 1	135,600	\$4,339,200
	year 2	6,607	year 2	264,280	\$8,456,960
	year 3	8,264	year 3	<u>330,560</u>	<u>\$10,577,920</u>
				730,440	\$23,374,080
Administrative Amendments	year 1	3,390	year 1	27,120	\$867,840
	year 2	6,607	year 2	52,856	\$1,691,392
	year 3	8,264	year 3	<u>66,112</u>	<u>\$2,115,584</u>
				146,088	\$4,674,816
			<u>1,168,688</u>	<u>\$37,398,016</u>	
General Permit Renewal	551		1,102		\$35,264
Permit Renewal	2,894		578,800		\$18,521,600
Other Activities	2,894		57,880		\$1,852,160
TOTALS			9,583,670		\$306,677,440

* 9,909 total permits per year
 ** 1/3 contractor support, 2/3 in-house

TABLE 8
THE COST OF PERMITTING AUTHORITY ACTIVITIES *

ACTIVITY	AFFECTED PERMITS OR PROGRAMS **	TOTAL BURDEN (HOURS)	TOTAL COST (\$1999)
Program Administration	112 PAs / yr	1,176,000	\$43,512,000
Permit Application Review	88 / yr	26,400	\$976,800
Draft Permit Preparation	10,023 permits	1,503,450	\$55,627,650
Comment Period Notification	10,023 draft permits	100,230	\$2,706,210
Public Hearings	200 hearings	20,000	\$740,000
Interaction with EPA	10,023 permits	200,460	\$7,417,020
Analyzing Public Comments	1,002 permits	40,080	\$1,480,000
Permit Issuance	10,023 permits	80,184	\$2,966,808
General Permits Administration	112 agencies	26,880	\$994,560
Permit Revisions ***			
Significant	year 1 678	40,680	\$1,505,160
	year 2 1,321	79,260	\$2,932,620
	<u>year 3 1,653</u>	<u>99,180</u>	<u>\$3,669,660</u>
		219,120	\$8,107,440
Minor	year 1 3,390	67,800	\$2,508,600
	year 2 6,607	132,140	\$4,889,180
	<u>year 3 8,264</u>	<u>165,280</u>	<u>\$6,115,360</u>
		365,220	\$13,513,140
Administrative	year 1 3,390	16,950	\$627,150
	year 2 6,607	33,035	\$1,222,295
	<u>year 3 8,264</u>	<u>41,320</u>	<u>\$1,528,840</u>
		91,305	\$3,378,285
		<u>675,645</u>	<u>\$24,998,865</u>
Permit Renewals	2,894 renewals	173,640	\$6,424,680
Review General Permits	10	100	\$3,700
Review Monitoring and Compliance Certification Reports	year 1 9,907	148,605	\$5,498,385
	year 2 17,345	260,175	\$9,626,475
	year 3 20,660	<u>309,900</u>	<u>\$11,466,300</u>
		718,680	\$26,591,160
Annual Enforcement Reporting	112 agencies	13,440	\$497,280
TOTALS		4,755,189	\$175,941,993

* 112 Permitting Authorities
 ** Consult the Assumptions page for explanation of other numbers in the column.
 *** Number of issued single source permits: year 1 = 6,779; year 2 = 14,217; year 3 = 17,532

TABLE 9
EPA ACTIVITIES

ACTIVITY	AFFECTED PERMITS OR PROGRAMS	TOTAL BURDEN (HOURS)	TOTAL COST (\$1999)
Review permits and revisions			
New Permits	2,506 permits	50,120	\$1,854,440
Significant permit	year 1 678	5,424	\$200,688
revisions	year 2 1,321	10,568	\$391,016
	year 3 1,653	<u>13,224</u>	<u>\$489,288</u>
Minor Permit		29,216	\$1,080,992
Revisions			
	year 1 3,390	3,390	\$125,430
	year 2 6,607	6,607	\$244,459
	year 3 8,264	<u>8,264</u>	<u>\$305,768</u>
		18,261	\$675,657
Consult with PA			
New Permits	2,506 permits	20,048	\$741,776
Significant Permit	year 1 170	1,360	\$50,320
Revisions	year 2 331	2,648	\$97,976
	year 3 414	<u>3,312</u>	<u>\$122,544</u>
		7,320	\$270,840
Minor Permit	year 1 848	848	\$31,376
Revisions	year 2 1,652	1,652	\$61,124
	year 3 2,066	<u>2,066</u>	<u>\$76,442</u>
		4,566	\$168,942
Review the annual report	112 / yr	3,360	\$124,320
TOTALS		132,891	\$4,916,967

6.3.3 Bottom Line Burden Hours and Cost

Tables 2, 3, and 4 display the activities of the part 70 program for permitting authorities, sources, and the Federal government, respectively. Tables 7, 8, and 9 display the costs associated with each of these categories. Table 10 below summarizes the costs for all three types of affected entities in real 1999 dollars.

**TABLE 10
BOTTOM LINE BURDEN AND COST
2000 - 2003**

	Number of Affected Entities	Total ICR (3 Year) Burden Hours	Average Annual Burden Per Respondent	Average Annual Burden Per Source	Total ICR (3 Year) Cost (\$1999)	Average Annual Cost Per Respondent (\$ 1999)	Average Annual Cost Per Source (\$ 1999)
Sources	20,924	9,583,670	153	153	\$306,677,440	\$4,896	\$4,896
PAs	112	4,755,189	14,152	76	\$175,941,993	\$523,173	\$2,812
Federal	1	132,891	44,297	2	\$4,916,967	\$3,462,300	\$78
TOTAL		14,471,750	NA	NA	\$487,536,400	NA	NA

Table 10 displays the expected burden and cost for sources, permitting authorities, and the Federal government for implementation of the title V Operating Permits Program between March 2000 and March 2003. Of the 14.3 million hours the Agency anticipates it will take to perform all the functions required by title V, two-thirds of the burden applies to sources. However, the magnitude of the total expected burden can be misleading, due to the number of permitted sources. For the 20,924 sources included in this analysis, the average expected burden is relatively small - about one month of a full time employee's time. Likewise, the cost associated with that burden is also small - about \$5,000 - or 7% of the fully loaded FTE cost estimated in Table 5, above.

On average, each PA can expect to spend between 70 and 80 hours each year managing and overseeing each permit application it receives, at a cost of approximately \$2,800 per permit per year.

Permitting authorities incur about a third of the burden in Table 10, with the total burden spread between a significantly smaller number of entities than that for sources. On average, the Agency estimates the PA burden associated with the title V Operating Permits Program will be about 14,000 hours per year. However, for some permitting authorities with relatively fewer sources (Connecticut, Wyoming, etc.) the average burden will be higher; and, in others with more than the average number of sources (Louisiana, Texas, etc.) it will be too low. A better measure of the effect of title V regulations on permitting authorities would be to divide the total estimated hours by the number of operating permits. On average, each PA can expect to spend 70 to 80 hours managing and overseeing each permit application it receives, at a cost of approximately \$2,800 per permit. However, this cost cannot be considered an Unfunded Mandate from the Federal government, because the net cost to permitting authorities for their management of an operating permits program must, by law, be passed on to sources in the form of permit fees of sufficient magnitude to fully offset all permit management costs. Therefore, the true annual cost to permitting authorities under title V is zero, and the true annual cost to sources is \$161 million, or approximately \$7,700 per permit.

6.4 Reasons for Changes in the Burden

The part 70 program has been evolving since its inception, beginning with promulgation of the part 70 regulations in 1992. Consequently, the activities associated with implementing the part 70 program have changed since the previous ICR. State and local permitting authorities first developed their programs and submitted them to EPA for approval. This activity occurred over several years during which approved programs were beginning to be implemented by first having sources submit permit applications. As the later program submissions were being approved, some agencies were in the early stages of issuing permits. As of the beginning of this ICR, all programs are approved and essentially all permit applications have been submitted to the permitting authorities.

With the experience gained through program implementation, EPA and permitting authorities have a sense of the activities associated with the program and the burden of those activities. The activities in this ICR have been developed based on this knowledge. While the activities correspond

to those specified in the previous ICR, they are broken out into more discrete categories for which burden analyses can be made more easily. Therefore, comparison of the burden in this ICR to the approved burden levels in the previous ICR cannot be accurately made on an activity by activity basis. Even if they could be compared, such a comparison would be of little value because of the changing nature of the program. Such a comparison of activity categories will not have a great deal of meaning until all permits are issued and the program stabilizes in terms of activity.

The approved burden level in the previous ICR was 3.5 million hours per year for sources and 1.7 million burden hours per year for permitting authorities, and 64 thousand hours for Federal oversight; for a total of 5.2 million hours. Table 11 compares the burden in the previous ICR with the burden in this ICR. The change in burden is a reduction from the previous ICR due to changes in program activities that have occurred as a result of evolution of the program. These changes would be considered “adjustments” and are shown as such on OMB form 83-1.

TABLE 11
BURDEN CHANGE FROM 2-28-97 ICR TO CURRENT ICR

	Average Annual Burden in 2-28-1997 ICR	Average Annual Burden in ICR Renewal	Difference
Sources	3,478,333	3,194,557	(283,776)
PAs	1,682,000	1,585,063	(96,937)
Federal	63,667	44,297	(19,370)
TOTAL	5,224,000	4,823,917	(400,083)

For permitting authorities, burden has decreased largely because program development and review of permit applications have been completed. The activities that will increase and require the largest burden during the 3-year

period of this ICR (and which will offset the reduction in burden) are general program administration, preparation of draft permits, processing of permit revisions, and review of semi-annual monitoring and annual compliance reports.

The main reason hourly burden has decreased for sources is because the largest burden category, (preparation of initial permit applications), has been completed. These activities will be replaced during the 3-year period of this ICR by an increase in monitoring activities, preparing and submitting semi-annual monitoring reports and the annual compliance certification report, preparing permit revision applications, and preparing applications for permit renewals for some of the sources.

6.5 Burden Statement

As previously noted, it is impractical to attempt to delineate burden by respondent and activity due to the large number of respondents, the variation in the circumstances for each respondent, and the varied nature of the activities of the program. Following is the apportioned burden for each respondent. This is derived from the total permitting authority hourly burden divided by the number of permitting authorities, and similarly for sources.

TABLE 12
BURDEN STATEMENT

	Number of Respondents	Total Annual Burden	Average Annual Burden per Respondent	Average Annual Burden Per Source
Sources	20,924	3,194,557	153	153
PAs	112	1,585,063	14,152	76
Federal	1	44,297	44,297	2

Send comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to:

Oscar Morales, Director
Collection Strategies Division
Office Of Environmental Information 2822
Environmental Protection Agency
401 M Street, SW
Washington, DC 20460

and to:

The Office of Information and Regulatory Affairs
Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Attention: Desk Officer for EPA.

Include the EPA ICR number and OMB control number in any correspondence.

ATTACHMENT 1

THE STATUTORY REQUIREMENTS FOR RESPONDENT INFORMATION

SECTIONS 502 THROUGH 504 OF TITLE V OF THE CLEAN AIR ACT

SEC. 502. PERMIT PROGRAMS

(a) Violations.- After the effective date of any permit program approved or promulgated under this title, it shall be unlawful for any person to violate any requirement of a permit issued under this title, or to operate an affected source (as provided in title IV), a major source, any other source (including an area source) subject to standards or regulations under section 111 or 112, any other source required to have a permit under parts C or D of title I, or any other stationary source in a category designated (in whole or in part) by regulations promulgated by the Administrator (after notice and public comment) which shall include a finding setting forth the basis for such designation, except in compliance with a permit issued by a permitting authority under this title. (Nothing in this subsection shall be construed to alter the applicable requirements of this Act that a permit be obtained before construction or modification.) The Administrator may, in the Administrator's discretion and consistent with the applicable provisions of this Act, promulgate regulations to exempt one or more source categories (in whole or in part) from the requirements of this subsection if the Administrator finds that compliance with such requirements is impracticable, infeasible, or unnecessarily burdensome on such categories, except that the Administrator may not exempt any major source from such requirements.

(b) Regulations.- The Administrator shall promulgate within 12 months after the date of the enactment of the Clean Air Act Amendments of 1990 regulations establishing the minimum elements of a permit program to be administered by any air pollution control agency. These elements shall include each of the following:

(1) Requirements for permit applications, including a standard application form and criteria for determining in a timely fashion the completeness of applications.

(2) Monitoring and reporting requirements.

(3)(A) A requirement under State or local law or interstate compact that the owner or operator of all sources subject to the requirement to obtain a permit under this title pay an annual fee, or the equivalent over some other period, sufficient to cover all reasonable (direct and indirect) costs required to develop and administer the permit program requirements of this title, including section 507, including the reasonable costs of -

(i) reviewing and acting upon any application for such a permit,

(ii) if the owner or operator receives a permit for such source, whether before or after the date of the enactment of the Clean Air Act Amendments of 1990, implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action),

- (iii) emissions and ambient monitoring,
- (iv) preparing generally applicable regulations, or guidance,
- (v) modeling, analyses, and demonstrations, and
- (vi) preparing inventories and tracking emissions.

(B) The total amount of fees collected by the permitting authority shall conform to the following requirements:

(i) The Administrator shall not approve a program as meeting the requirements of this paragraph unless the State demonstrates that, except as otherwise provided in subparagraphs (ii) through (v) of this subparagraph, the program will result in the collection, in the aggregate, from all sources subject to subparagraph (A), of an amount not less than \$25 per ton of each regulated pollutant, or such other amount as the Administrator may determine adequately reflects the reasonable costs of the permit program.

(ii) As used in this subparagraph, the term "regulated pollutant" shall mean (I) a volatile organic compound; (II) each pollutant regulated under section 111 or 112; and (III) each pollutant for which a national primary ambient air quality standard has been promulgated (except that carbon monoxide shall be excluded from this reference).

(iii) In determining the amount under clause (i), the permitting authority is not required to include any amount of regulated pollutant emitted by any source in excess of 4,000 tons per year of that regulated pollutant.

(iv) The requirements of clause (i) shall not apply if the permitting authority demonstrates that collecting an amount less than the amount specified under clause (i) will meet the requirements of subparagraph (A).

(v) The fee calculated under clause (i) shall be increased (consistent with the need to cover the reasonable costs authorized by subparagraph (A)) in each year beginning after the year of the enactment of the Clean Air Act Amendments of 1990 by the percentage, if any, by which the Consumer Price Index for the most recent calendar year ending before the beginning of such year exceeds the Consumer Price Index for the calendar year 1989. For purposes of this clause -

(I) the Consumer Price Index for any calendar year is the average of the Consumer Price Index for all-urban consumers published by the Department of Labor, as of the close of the 12-month period ending on August 31 of each calendar year, and

(II) the revision of the Consumer Price Index which is most consistent with the Consumer Price Index for calendar year 1989 shall be used.

(C)(i) If the Administrator determines, under subsection (d), that the fee provisions of the operating permit program do not meet the requirements of this paragraph, or if the Administrator makes a determination, under subsection (i), that the permitting authority is not adequately administering or enforcing an approved fee program, the Administrator may, in addition to taking any other action authorized under this title, collect reasonable fees from the sources identified under

subparagraph (A). Such fees shall be designed solely to cover the Administrator's costs of administering the provisions of the permit program promulgated by the Administrator.

(ii) Any source that fails to pay fees lawfully imposed by the Administrator under this subparagraph shall pay a penalty of 50 percent of the fee amount, plus interest on the fee amount computed in accordance with section 6621(a)(2) of the Internal Revenue Code of 1986 (relating to computation of interest on underpayment of Federal taxes).

(iii) Any fees, penalties, and interest collected under this subparagraph shall be deposited in a special fund in the United States Treasury for licensing and other services, which thereafter shall be available for appropriation, to remain available until expended, subject to appropriation, to carry out the Agency's activities for which the fees were collected. Any fee required to be collected by a State, local, or interstate agency under this subsection shall be utilized solely to cover all reasonable (direct and indirect) costs required to support the permit program as set forth in subparagraph (A).

(4) Requirements for adequate personnel and funding to administer the program.

(5) A requirement that the permitting authority have adequate authority to:

(A) issue permits and assure compliance by all sources required to have a permit under this title with each applicable standard, regulation or requirement under this Act;

(B) issue permits for a fixed term, not to exceed 5 years;

(C) assure that upon issuance or renewal permits incorporate emission limitations and other requirements in an applicable implementation plan;

(D) terminate, modify, or revoke and reissue permits for cause;

(E) enforce permits, permit fee requirements, and the requirement to obtain a permit, including authority to recover civil penalties in a maximum amount of not less than \$10,000 per day for each violation, and provide appropriate criminal penalties; and

(F) assure that no permit will be issued if the Administrator objects to its issuance in a timely manner under this title.

(6) Adequate, streamlined, and reasonable procedures for expeditiously determining when applications are complete, for processing such applications, for public notice, including offering an opportunity for public comment and a hearing, and for expeditious review of permit actions, including applications, renewals, or revisions, and including an opportunity for judicial review in State court of the final permit action by the applicant, any person who participated in the public comment process, and any other person who could obtain judicial review of that action under applicable law.

(7) To ensure against unreasonable delay by the permitting authority, adequate authority and procedures to provide that a failure of such permitting authority to act on a permit application or permit renewal application (in accordance with the time periods specified in section 503 or, as appropriate, title IV) shall be treated as a final permit action solely for purposes of obtaining judicial review in State court of an action brought by any person referred to in paragraph (6) to require that action be taken by the permitting authority on such application without additional delay.

(8) Authority, and reasonable procedures consistent with the need for expeditious action by the permitting authority on permit applications and related matters, to make available to the public any permit application, compliance plan, permit, and monitoring or compliance report under section 503(e), subject to the provisions of section 114(c) of this Act.

(9) A requirement that the permitting authority, in the case of permits with a term of 3 or more years for major sources, shall require revisions to the permit to incorporate applicable standards and regulations promulgated under this Act after the issuance of such permit. Such revisions shall occur as expeditiously as practicable and consistent with the procedures established under paragraph (6) but not later than 18 months after the promulgation of such standards and regulations. No such revision shall be required if the effective date of the standards or regulations is a date after the expiration of the permit term. Such permit revision shall be treated as a permit renewal if it complies with the requirements of this title regarding renewals.

(10) Provisions to allow changes within a permitted facility (or one operating pursuant to section 503(d)) without requiring a permit revision, if the changes are not modifications under any provision of title I and the changes do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions: *Provided*, That the facility provides the Administrator and the permitting authority with written notification in advance of the proposed changes which shall be a minimum of 7 days, unless the permitting authority provides in its regulations a different timeframe for emergencies.

(c) Single Permit.- A single permit may be issued for a facility with multiple sources.

(d) Submission and Approval.- (1) Not later than 3 years after the date of the enactment of the Clean Air Act Amendments of 1990, the Governor of each State shall develop and submit to the Administrator a permit program under State or local law or under an interstate compact meeting the requirements of this title. In addition, the Governor shall submit a legal opinion from the attorney general (or the attorney for those State air pollution control agencies that have independent legal counsel), or from the chief legal officer of an interstate agency, that the laws of the State, locality, or the interstate compact provide adequate authority to carry out the program. Not later than 1 year after receiving a program, and after notice and opportunity for public comment, the Administrator shall approve or disapprove such program, in whole or in part. The Administrator may approve a program to the extent that the program meets the requirements of this Act, including the regulations issued under subsection (b). If the program is disapproved, in whole or in part, the Administrator shall notify the Governor of any revisions or modifications necessary to obtain approval. The Governor shall revise and resubmit the program for review under this section within 180 days after receiving notification.

(2)(A) If the Governor does not submit a program as required under paragraph (1) or if the Administrator disapproves a program submitted by the Governor under paragraph (1), in whole or in part, the Administrator may, prior to the expiration of the 18-month period referred to in

subparagraph (B), in the Administrator's discretion, apply any of the sanctions specified in section 179(b).

(B) If the Governor does not submit a program as required under paragraph (1), or if the Administrator disapproves any such program submitted by the Governor under paragraph (1), in whole or in part, 18 months after the date required for such submittal or the date of such disapproval, as the case may be, the Administrator shall apply sanctions under section 179(b) in the same manner and subject to the same deadlines and other conditions as are applicable in the case of a determination, disapproval, or finding under section 179(a).

(C) The sanctions under section 179(b)(2) shall not apply pursuant to this paragraph in any area unless the failure to submit or the disapproval referred to in subparagraph (A) or (B) relates to an air pollutant for which such area has been designated a nonattainment area (as defined in part D of title I).

(3) If a program meeting the requirements of this title has not been approved in whole for any State, the Administrator shall, 2 years after the date required for submission of such a program under paragraph (1), promulgate, administer, and enforce a program under this title for that State.

(e) Suspension.- The Administrator shall suspend the issuance of permits promptly upon publication of notice of approval of a permit program under this section, but may, in such notice, retain jurisdiction over permits that have been federally issued, but for which the administrative or judicial review process is not complete. The Administrator shall continue to administer and enforce federally issued permits under this title until they are replaced by a permit issued by a permitting program. Nothing in this subsection should be construed to limit the Administrator's ability to enforce permits issued by a State.

(f) Prohibition.- No partial permit program shall be approved unless, at a minimum, it applies, and ensures compliance with, this title and each of the following:

(1) All requirements established under title IV applicable to "affected sources."

(2) All requirements established under section 112 applicable to "major sources", "area sources," and "new sources."

(3) All requirements of title I (other than section 112) applicable to sources required to have a permit under this title. Approval of a partial program shall not relieve the State of its obligation to submit a complete program, nor from the application of any sanctions under this Act for failure to submit an approvable permit program.

(g) Interim Approval.- If a program (including a partial permit program) submitted under this title substantially meets the requirements of this title, but is not fully approvable, the Administrator may by rule grant the program interim approval. In the notice of final rulemaking, the Administrator shall specify the changes that must be made before the program can receive full approval. An interim approval under this subsection shall expire on a date set by the Administrator not later than 2 years after such approval, and may not be renewed. For the period of any such interim approval, the provisions of subsection (d)(2), and the obligation of the Administrator to

promulgate a program under this title for the State pursuant to subsection (d)(3), shall be suspended. Such provisions and such obligation of the Administrator shall apply after the expiration of such interim approval.

(h) Effective Date.- The effective date of a permit program, or partial or interim program, approved under this title, shall be the effective date of approval by the Administrator. The effective date of a permit program, or partial permit program, promulgated by the Administrator shall be the date of promulgation.

(i) Administration and Enforcement.- (1) Whenever the Administrator makes a determination that a permitting authority is not adequately administering and enforcing a program, or portion thereof, in accordance with the requirements of this title, the Administrator shall provide notice to the State and may, prior to the expiration of the 18-month period referred to in paragraph (2), in the Administrator's discretion, apply any of the sanctions specified in section 179(b).

(2) Whenever the Administrator makes a determination that a permitting authority is not adequately administering and enforcing a program, or portion thereof, in accordance with the requirements of this title, 18 months after the date of the notice under paragraph (1), the Administrator shall apply the sanctions under section 179(b) in the same manner and subject to the same deadlines and other conditions as are applicable in the case of a determination, disapproval, or finding under section 179(a).

(3) The sanctions under section 179(b)(2) shall not apply pursuant to this subsection in any area unless the failure to adequately enforce and administer the program relates to an air pollutant for which such area has been designated a nonattainment area.

(4) Whenever the Administrator has made a finding under paragraph (1) with respect to any State, unless the State has corrected such deficiency within 18 months after the date of such finding, the Administrator shall, 2 years after the date of such finding, promulgate, administer, and enforce a program under this title for that State. Nothing in this paragraph shall be construed to affect the validity of a program which has been approved under this title or the authority of any permitting authority acting under such program until such time as such program is promulgated by the Administrator under this paragraph. [42 U.S.C. 7661a]

SEC. 503. PERMIT APPLICATIONS.

(a) APPLICABLE DATE.-Any source specified in section 502(a) shall become subject to a permit program, and required to have a permit, on the later of the following dates-

(1) the effective date of a permit program or partial or interim permit program applicable to the source; or

(2) the date such source becomes subject to section 502(a).

(b) COMPLIANCE PLAN.- (1) The regulations required by section 502(b) shall include a requirement that the applicant submit with the permit application a compliance plan

describing how the source will comply with all applicable requirements under this Act. The compliance plan shall include a schedule of compliance, and a schedule under which the permittee will submit progress reports to the permitting authority no less frequently than every 6 months.

(2) The regulations shall further require the permittee to periodically (but no less frequently than annually) certify that the facility is in compliance with any applicable requirements of the permit, and to promptly report any deviations from permit requirements to the permitting authority.

(c) DEADLINE.-Any person required to have a permit shall, not later than 12 months after the date on which the source becomes subject to a permit program approved or promulgated under this title, or such earlier date as the permitting authority may establish, submit to the permitting authority a compliance plan and an application for a permit signed by a responsible official, who shall certify the accuracy of the information submitted. The permitting authority shall approve or disapprove a completed application (consistent with the procedures established under this title for consideration of such applications), and shall issue or deny the permit, within 18 months after the date of receipt thereof, except that the permitting authority shall establish a phased schedule for acting on permit applications submitted within the first full year after the effective date of a permit program (or a partial or interim program). Any such schedule shall assure that at least one-third of such permits will be acted on by such authority annually over a period of not to exceed 3 years after such effective date. Such authority shall establish reasonable procedures to prioritize such approval or disapproval actions in the case of applications for construction or modification under the applicable requirements of this Act.

(d) TIMELY AND COMPLETE APPLICATIONS.-Except for sources required to have a permit before construction or modification under the applicable requirements of this Act, if an applicant has submitted a timely and complete application for a permit required by this title (including renewals), but final action has not been taken on such application, the source's failure to have a permit shall not be a violation of this Act, unless the delay in final action was due to the failure of the applicant timely to submit information required or requested to process the application. No source required to have a permit under this title shall be in violation of section 502(a) before the date on which the source is required to submit an application under subsection (c).

(e) COPIES; AVAILABILITY.-A copy of each permit application, compliance plan (including the schedule of compliance), emissions or compliance monitoring report, certification, and each permit issued under this title, shall be available to the public. If an applicant or permittee is required to submit information entitled to protection from disclosure under section 114(c) of this Act, the applicant or permittee may submit such information separately. The requirements of section 114(c) shall apply to such information. The contents of a permit shall not be entitled to protection under section 114(c).

SEC. 504. PERMIT REQUIREMENTS AND CONDITIONS.

(a) **CONDITIONS.**-Each permit issued under this title shall include enforceable emission limitations and standards, a schedule of compliance, a requirement that the permittee submit to the permitting authority, no less often than every 6 months, the results of any required monitoring, and such other conditions as are necessary to assure compliance with applicable requirements of this Act, including the requirements of the applicable implementation plan.

(b) **MONITORING AND ANALYSIS.**-The Administrator may by rule prescribe procedures and methods for determining compliance and for monitoring and analysis of pollutants regulated under this Act, but continuous emissions monitoring need not be required if alternative methods are available that provide sufficiently reliable and timely information for determining compliance. Nothing in this subsection shall be construed to affect any continuous emissions monitoring requirement of title IV, or where required elsewhere in this Act.

(c) **INSPECTION, ENTRY, MONITORING, CERTIFICATION, AND REPORTING.**-Each permit issued under this title shall set forth inspection, entry, monitoring, compliance certification, and reporting requirements to assure compliance with the permit terms and conditions. Such monitoring and reporting requirements shall conform to any applicable regulation under subsection (b). Any report required to be submitted by a permit issued to a corporation under this title shall be signed by a responsible corporate official, who shall certify its accuracy.

§70.5(c) Standard applications form and required information. The State program under this part shall provide for a standard application form or forms. Information as described below for each emissions unit at a part 70 source shall be included in the application. The Administrator may approve as part of a State program a list of insignificant activities and emissions levels which need not be included in permit applications. However, for insignificant activities which are exempted because of size or production rate, a list of such insignificant activities must be included in the application. An application may not omit information needed to determine the applicability of, or to impose, any applicable requirement, or to evaluate the fee amount required under the schedule approved pursuant to §70.9 of this part. The permitting authority may use discretion in developing application forms that best meet program needs and administrative efficiency. The forms and attachments chosen, however, shall include the elements specified below:

(1) Identifying information, including company name and address (or plant name and address if different from the company name), owner's name and agent, and telephone number and names of plant site manager/contact.

(2) A description of the source's processes and products (by Standard Industrial Classification Code) including any associated alternative scenario identified by the source.

(3) The following emission related information:

(i) All emissions of pollutants for which the source is major, and all emissions of regulated air pollutants. A permit application shall describe all emissions of regulated air pollutants emitted from any emissions unit, except where such units are exempted under this paragraph (c) of this

section. The permitting authority shall require additional information related to the emissions of air pollutants sufficient to verify which requirements are applicable to the source, and other information necessary to collect any permit fees owed under the fee schedule approved pursuant to §70.9(b) of this part.

(ii) Identification and description of all points of emissions described in paragraph (c)(3)(i) of this section in sufficient detail to establish the basis for fees and applicability of requirements of the Act.

(iii) Emissions rate in tpy and in such terms as are necessary to establish compliance consistent with the applicable standard reference test method.

(iv) The following information to the extent it is needed to determine to regulate emissions: Fuels, fuel use, raw materials, production rates, and operating schedules.

(v) Identification and description of air pollution control equipment and compliance monitoring devices or activities.

(vi) Limitations on source operation affecting emissions or any work practice standards, where applicable, for all regulated pollutants at the part 70 source.

(vii) Other information required by any applicable requirement (including information related to stack height limitations developed pursuant to section 123 of the Act.)

(viii) Calculations on which the information on paragraphs (c)(3)(i) through (c)(3)(vii) of this section is based.

(4) The following air pollution control requirements:

(i) Citation and description of all applicable requirements, and

(ii) Description of or reference to any applicable test method for determining compliance with each applicable requirement.

(5) Other specific information that may be necessary to implement and enforce other applicable requirements of the Act or of this part or to determine the applicability of such requirements.

(6) An explanation of any proposed exemptions from otherwise applicable requirements.

(7) Additional information as determined to be necessary by the permitting authority to define alternative operating scenarios identified by the source pursuant to § 70.6(a)(9) of this part or to define permit terms and conditions implementing § 70.4(b)(12) or § 70.6(a)(10) of this part.

(8) A compliance plan for all part 70 sources that contains all the following:

(i) A description of the compliance status of the source with respect to all applicable requirements.

(ii) A description as follows:

(A) For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements.

(B) For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis.

(C) For requirements for which the source is not in compliance at the time of permit issuance, a narrative description of how the source will achieve compliance with such requirements.

(iii) A compliance schedule as follows:

(A) For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements.

(B) For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis. A statement that the source will meet in a timely manner applicable requirements that become effective during the permit term shall satisfy this provision, unless a more detailed schedule is expressly required by the applicable requirement.

(C) A schedule of compliance for sources that are not in compliance with all applicable requirements at the time of permit issuance. Such a schedule shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirements for which the source will be in noncompliance at the time of permit issuance. This compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree or administrative order to which the source is subject. Any such schedule of compliance shall be supplemental to and shall not sanction noncompliance with, the applicable requirements on which it is based.

(iv) A schedule for submission of certified progress reports no less frequently than every 6 months for sources required to have a schedule of compliance to remedy a violation.

(v) The compliance plan content requirements specified in this paragraph shall apply and be included in the acid rain portion of a compliance plan for an affected source, except as specifically superseded by regulations promulgated under title IV of the Act with regard to the schedule and method(s) the source will use to achieve compliance with the acid rain emissions limitations.

(9) Requirements for compliance certification, including the following:

(i) A certification of compliance with all applicable requirements by a responsible official consistent with paragraph (d) of this section and section 114(a)(3) of the Act;

(ii) A statement of methods used for determining compliance, including a description of monitoring, recordkeeping, and reporting requirements and test methods;

(iii) A schedule for submission of compliance certifications during the permit term, to be submitted no less frequently than annually, or more frequently if specified by the underlying applicable requirement or by the permitting authority; and

(iv) A statement indicating the source's compliance status with any applicable enhanced monitoring and compliance certification requirements of the Act.

(10) The use of nationally-standardized forms for acid rain portions of permit applications and compliance plans, as required by regulations promulgated under title IV of the Act.

(d) Any application form, report, or compliance certification submitted pursuant to these regulations shall contain certification by a responsible official of truth, accuracy, and completeness.

This certification and any other certification required under this part shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

ATTACHMENT 2

OCTOBER 18, 1999 FEDERAL REGISTER NOTICE

Administration (Bonneville) (as Transmission Customer).

A copy of the filing was served upon Bonneville.

Comment date: October 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

16. Puget Sound Energy, Inc.

[Docket No. ER00-7-000]

Take notice that on October 1, 1999, Puget Sound Energy, Inc. (as Transmission Provider), tendered for filing a Service Agreement for Firm Point-To-Point Transmission Service with the United States of America Department of Energy acting by and through the Bonneville Power Administration (Bonneville) (as Transmission Customer).

A copy of the filing was served upon Bonneville.

Comment date: October 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

17. Puget Sound Energy, Inc.

[Docket No. ER00-6-000]

Take notice that on October 1, 1999, Puget Sound Energy, Inc. (as Transmission Provider), tendered for filing a Service Agreement for Firm Point-To-Point Transmission Service with the United States of America Department of Energy acting by and through the Bonneville Power Administration (Bonneville) (as Transmission Customer).

A copy of the filing was served upon Bonneville.

Comment date: October 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

18. TransÉnergie U.S. Ltd

[Docket No. ER00-1-000]

Take notice that on October 1, 1999, TransÉnergie US Ltd. (TEUS), tendered for filing pursuant to Section 205 of the Federal Power Act, a Transmission Tariff offering transmission service over TEUS' proposed Cross Sound Cable Interconnector. The proposed Interconnector will connect the 345 kV bulk power system in Connecticut with the 138 kV bulk power system on Long Island via a direct current submarine cable under the Long Island Sound. TEUS petitioned the Commission for an order accepting the Tariff and granting related authorizations and waivers.

Copies of the filing have been served on the New York and Connecticut regulatory agencies, the New York ISO, ISO-New England, United Illuminating Company, LIPA, and the Northeast Power Coordinating Council.

Comment date: October 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99-27038 Filed 10-15-99; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6459-4]

Agency Information Collection Activities:

Proposed Collection; Comment Request; Operating Permits Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that EPA is planning to submit the following continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB): Part 70 Operating Permits Regulations, EPA ICR Number 1587.04, OMB Control Number 2060-0243, expiration date February 28, 2000. Before submitting the ICR to OMB for review and approval, EPA is soliciting comment on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before December 17, 1999.

ADDRESSES: For a copy of the draft ICR estimates, contact Roger Powell at (919)

541-5331 or "powell.roger@epa.gov" and refer to EPA ICR Number 1587.05. To obtain a copy of the draft ICR estimates electronically, go to: "<http://www.epa.gov/ttn/oarpg/t5ria.html>" on the internet.

FOR FURTHER INFORMATION CONTACT: Roger Powell at (919) 541-5331 and e-mail address listed above.

SUPPLEMENTARY INFORMATION:

Affected entities: Entities potentially affected by this action are those which must apply for and obtain an operating permit under title V of the Clean Air Act (Act). These, in general, include sources which are defined as "major" under any title of Act.

Title: Part 70 Operating Permits Regulations; OMB Control Number 2060-0243; EPA ICR Number 1587.04; expiring February 28, 2000.

Abstract: Title V of the Act requires States to develop and implement a program for issuing operating permits to all source that fall under any Act definition of major and certain other non-major sources that are subject to Federal air quality regulations. The Act further requires EPA to develop regulations that establish the minimum requirements for those State operating permits programs and to oversee implementation of the programs. The EPA regulations setting forth requirements for the operating permits programs are at part 70, title 40, chapter I of the Code of Federal Regulations.

In implementing title V of the Act and EPA's part 70 operating permits regulations, State and local permitting agencies must develop programs and submit them to EPA for approval (section 502(d)) and sources subject to the program must develop operating permit applications and submit them to the permitting authority within 1 year after program approval (section 503). Permitting authorities will then issue permits (section 503(c)) and thereafter enforce, revise, and renew those permits at no more than 5-year intervals (section 502(d)). Permit applications and proposed permits will be provided to, and are subject to review by, EPA (section 505(a)). All information submitted by a source and the issued permit shall also be available for public review except for confidential information which will be protected from disclosure (section 503(e)). Sources will semi-annually submit compliance monitoring reports to the permitting authorities (section 504(a)). The EPA has the responsibility to oversee implementation of the program and to administer a Federal operating permits program in the event a program is not approved for a State (section 502(d)(3))

or if EPA determines the permitting authority is not adequately administering its approved program (section 502(i)(4)). The activities to carry out these tasks are considered mandatory and necessary for implementation of title V and the proper operation of the operating permits program. This notice provides updated burden estimates from a previously approved ICR.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

The EPA would like to solicit comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Burden Statement: The projected cost for implementing the part 70 program for the 3 years from February 28, 2000 until February 28, 2003 are approximately 5 million annual burden hours at an annual cost of approximately 223 million dollars. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

The burden hours break out to be just under 1.5 million hours for permitting authorities and just over 3.5 million hours for sources. The costs break out to be around 53 million dollars per year for permitting authorities and 170 million dollars per year for sources. During the period of this ICR, permitting authorities (in addition to general administration of the program) primarily will be issuing the remaining permits required by the program (just under 10,000), revising permits that have already been issued, renewing permits whose 5-year terms will expire, and reviewing semi-annual compliance monitoring reports for issued permits. Sources in the part 70 program primarily will be interacting with the permitting authority on permit issuance (for those that have not been issued), preparing semi-annual compliance monitoring reports, revising their permits as needed, carrying out periodic monitoring that was created as a result of the program, and preparing applications for permit renewal as necessary.

Dated: October 6, 1999.

William T. Harnett,

Acting Director, Information Transfer and Program Integration Division.

[FR Doc. 99-27139 Filed 10-15-99; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6460-3]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Investigation Into Possible Noncompliance of Motor Vehicles With Federal Emission Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Investigation into Possible Noncompliance of Motor Vehicles with Federal Emission Standards, EPA ICR No. 222.05, OMB Control No. 2060-0086, expiration date November 30, 1999. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before November 17, 1999.

FOR FURTHER INFORMATION OR A COPY: Contact Sandy Farmer at EPA by phone at (202) 260-2740, by email at farmer.sandy@epamail.epa.gov, or download off the Internet at <http://www.epa.gov/icr> and refer to EPA ICR No. 222.05.

SUPPLEMENTARY INFORMATION:

Title: Investigation into Possible Noncompliance of Motor Vehicles with Federal Emission Standards. (OMB Control No. 2060-0086, EPA ICR No. 222.05), expiring 11/30/99. This is a request for extension of a currently approved collection.

Abstract: This information collection includes three instruments that are used by the U.S. EPA to identify motor vehicles and engines for possible inclusion in its emissions control testing programs. The self-addressed postcard and owner telephone questionnaire are completed using information given by owners of vehicles or engines from a vehicle class under investigation. The maintenance verification form is administered to representatives of service facilities that performed maintenance on vehicles or engines whose owners have responded to the owner telephone questionnaire. This form is intended to be used to supply missing information when necessary. Responses to this collection are voluntary.

The EPA would like to solicit comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The

ATTACHMENT 3

ASSUMPTIONS FOR PART 70 ICR RENEWAL

ASSUMPTIONS

TIME PERIOD OF ICR

The time period covered by this ICR is February 28, 2000 to February 28, 2003 (shown as March 2000 to March 2003 for these analyses)

SOURCE POPULATION

- ! Total population of title V sources as of November 1999 = 20,660
 - o New Jersey estimates an additional 114 sources will be added to their program
 - o Applications for the 114 sources will be received during first year of ICR
 - o Permits for those 114 sources are projected to be issued in year 3 of this ICR
 - o This ICR projects that 50 additional sources will become subject to title V each year of this ICR for a total of 150 additional sources during this ICR period.

RATE OF PERMIT ISSUANCE

- ! Assume 48% of the permits will be issued by March 2000
 - o 8,254 sources (40% of total population) were issued permits as of November 1999
 - o Assume permit issuance rate of 2% per month between November 1999 and March 2000 (i.e., an additional 8%)
 - o Around 1,653 additional sources (i.e., the 8% of 20,660) will therefore be issued permits between November 1999 and March 2000
 - o Total is $1,653 + 8,254 = 9,907$ by March 2000 (leaving 10,753 sources to be issued permits during the period of this ICR)
- ! Assume a 3% issuance rate per month after March 2000
 - o Therefore, it is estimated that 36% additional sources will be issued permits between March 2000 and March 2001 (i.e., 7,438 sources issued permits in the first year of this ICR)
 - o Total of 17,345 sources issued permits by March 2001 ($9,907 + 7,438$), the end of year 1 of this ICR
 - o The remaining sources will be issued permits by March 2002 (i.e., 3,315 additional permits during year 2 of this ICR)

GENERAL PERMITS

- ! As of November 1999, 38% of the sources already issued permits (i.e., 3,128 of the 8,254 sources already issued permits) are covered by 23 general permits - this is 15% of the total source population of 20,660
- ! Assume ultimately 20% of all sources (i.e., an additional 5%) will be covered by general permits, because general permits are usually the first to be issued and, therefore, the number of sources covered by general permits will fall off sharply
- ! $20\% \text{ of the total source population} = 4,132 \text{ sources}$ which will be covered by general permits ($4,132 - 3,128 \text{ already covered} = 1,004 \text{ general permit sources}$ to be covered by an estimated 10 general permits during the term of this ICR)
- ! Assume the 10 general permits covering the 1,004 sources will be issued during year 1 of this ICR

NEW SOURCES:

EPA estimates there will be approximately 50 new major sources nationwide applying for a title V permit each year during the term of this ICR (150 total for the 3 years of this ICR). For this ICR, given the workload of issuing permits, it is assumed these permits will be issued during the third year of this ICR. In New Jersey, 114 sources will become subject to the program and will submit permit applications during the period of this ICR. Assume these sources will be permitted in year 3.

PERMIT ISSUANCE RATE ACCOUNTING FOR GENERAL PERMITS AND NEW SOURCES

- ! Single source permits (other than general permits) which will be subject to the full permit issuance process
 - o 10,753 sources will be issued permits during the period of the ICR (7,438 in year 1 and 3,315 in year 2)
 - o 1,004 of these sources will be covered by general permits issued in year 1
 - o $7,438 - 1,004 = 6,434$ single source permits issued during year 1 of the ICR
 - o $6,434 \text{ year 1 plus } 3,315 \text{ year 2 permits} = 9,749$ single source permits issued during this ICR

- o Add in the 10 general permits, 150 new sources, and the 114 sources in New Jersey:
 $9,749 + 10 + 150 + 114 =$ a total of 10,023 permits issued during the 3-year period
of this ICR (10,013 will be single source permits)
- ! Summary of new permit issuance by year:
 - o Year 1 - $6,434 + 10$ general permits = 6,444 permits issued
 - o Year 2 - 3,315 permits issued
 - o Year 3 - 264 permits issued for new sources

PERMIT REVISION RATES

- ! Sources covered by general permits will not apply for permit revisions, so these sources are removed for purposes of this analysis
- ! 8,254 sources were covered by permits as of November 1999 of which 3,128 were sources covered by general permits ($8,254 - 3,128 = 5,126$ single source permits)
- ! At a 2% per month issuance rate, an additional 1,653 sources will be issued permits between November 1999 and March 2000 (assume all are single source permits)
- ! Number of single source permits issued by the beginning of this ICR (i.e., March 2000) for which permit revisions will be made during year 1 of this ICR:
 - o 5,126 single source permits issued by November 1999
 - o 1,653 sources covered by permits between November 1999 and March 2000
 - o $5,126 + 1,653 = 6,779$ single source permits issued by March 2000
- ! Single source permits issued as of beginning of year 2 (i.e., March 2001) of this ICR (for which permit revisions will be made during year 2) is 6,434 issued during year 1 plus the 6,779 already issued = 13,213 single source permits
- ! Single source permits issued as of beginning of year 3 (i.e., March 2002) of this ICR (for which permit revisions will be made during year 3) is 3,315 issued during year 2 plus the 13,213 already issued = 16,528 single source permits
- ! Summary:
 - o Permits for which revisions will be made during year 1 - 6,779
 - o Permits for which revisions will be made during year 2 - 13,213

- o Permits for which revisions will be made during year 3 - 16,528

PERMIT RENEWAL:

- ! By March 1997, 1493 sources had been issued permits (all within the previous year, renewal therefore will be during the year from March 2001 to March 2002) - assume 16%, or 239, are sources covered by general permits (this is from past data) leaving 1,254 renewals during year 2 of this ICR
- ! By March 1998, an additional 1,952 sources had been issued permits - these will be up for renewal between March 2002 and March 2003 - assume 16%, or 312, are sources covered by general permits leaving 1,640 renewals during year 3 of this ICR
- ! Summary:
 - o $1493 + 1952 = 3445$ total sources covered by permits of which $239 + 312 = 551$ are general permits
 - o $3445 - 551 = 2894$ single source permits which will have to be renewed during this ICR period (1,254 in year 2 and 1,640 in year 3)

SOURCES REPORTING MONITORING AND COMPLIANCE STATUS

All sources with issued permits (including those covered by general permits) will report monitoring data semi-annually and compliance certifications annually. Sources with issued permits are as follows:

- o 9,907 sources will be covered by issued permits at the beginning of this ICR and will be submitting reports during year 1 of this ICR.
- o 7,438 sources will be covered by permits issued in year 1 (6,434 covered by single source permits and 1,004 covered by general permits). $7,438 + 9,907$ sources already covered by permits = 17,345 sources that will be covered by permits by the beginning of year 2 and will be submitting reports during year 2.
- o 3,315 sources will be covered by permits issued in year 2. $3,315 + 17,345$ sources already covered by permits = 20,660 sources that will be covered by permits by the beginning of year 3 and will be submitting reports during year 3.

SYNTHETIC MINOR PERMITS:

All synthetic minor permits had been issued prior to March 2000 so no burden is included during the term of this ICR

PERMIT APPLICATIONS

During the period of this ICR, it is assumed 150 new sources will submit permit applications plus 114 sources in New Jersey will submit applications. The total will be $150 + 114 = 264$ permit applications.

SUMMARY TABLE OF ASSUMPTIONS

ITEM	NUMBER	COMMENTS
Number of sources subject to part 70	20,660	
Number of sources already issued permits at the beginning of this ICR	9,907 (6,779 single source)	3,128 sources covered by general permits
Number of sources which will become subject to part 70 during this ICR	264	50 each year plus 114 from New Jersey
Sources issued permits in year 1 of this ICR	7,438 (6,434 single source)	1,004 sources covered by 10 general permits
Sources issued permits in year 2 of this ICR	3,315	All single source permits
Sources issued permits in year 3 of this ICR	264	150 new sources which become subject to part 70 plus 114 New Jersey sources

Total issued permits during this ICR	10,023 (10,013 single source)	6,434 single source permits and 10 general permits in year 1, 3,315 single source permits in year 2, 264 single source permits in year 3
Issued permits for which revisions will be made:	N/A	All are single source permits
o Year 1	6,779	Single source permits issued at beginning of ICR
o Year 2	13,213	6,779 already issued plus 6,434 single source permits issued in year 1
o Year 3	16,528	13,213 already issued plus 3,315 single source permits issued in year 2
Permits subject to renewal:	N/A	2,894 total
o Year 2	1,254	
o Year 3	1,640	
Permit applications submitted during this ICR	264	150 new sources plus 114 New Jersey sources
Sources submitting semi-annual monitoring and annual compliance certification reports	N/A	From all sources, including those under general permits
o Year 1	9,907	
o Year 2	17,345	
o Year 3	20,660	

ATTACHMENT 4

WORKSHEETS FOR BURDEN ESTIMATES

WORKSHEETS

The EPA contacted respondents from the regulated community and EPA Regional Offices to obtain information to be used as the basis for calculating burden hour estimates for implementing the part 70 regulations. The respondents are listed in section 3.3. Tables 1, 2, and 3 below are the worksheets used for calculating burden estimates.

TABLE 1

PERMITTING AUTHORITY ACTIVITIES

ACTIVITY	BURDEN PER INDIVIDUAL PERMIT OR PROGRAM	COMMENTS*	TOTAL PROGRAM BURDEN FOR 3 YEARS
Program administration: Responding to inquiries about the program, developing internal and external program guidance, planning, attending program training, permit fee collection, providing source training, attending EPA meetings and conferences, providing public education, and other program related activities.	3,500 hrs. per agency	112 agencies	392,000 hrs. per year 1,176,000 for 3 years of ICR
Reviewing a permit application, including discussions with a source concerning the permit application.	100 hrs./permit	Assume 264 new sources will submit permit applications nationwide	26,400 for 3 years of ICR
Preparing a draft permit, including contact with the source.	150 hrs./permit	10,023 permits issued during 3-year ICR time period	1,503,450 for 3 years of ICR

Providing notice to the public, EPA, and affected States of the comment period on a draft permit.	10 hrs./permit	10,023 draft permits during ICR time period	100,230 for 3 years of ICR
Holding a public hearing on a permit.	100 hrs./hearing	Assume a hearing for 1 in 50 of the 10,023 new single source permits (i.e., 200 hearings)	20,000 for 3 years of ICR
Interaction with EPA on a proposed permit, including negotiations, re-drafting, and formal EPA objections (including those attributable to public petitions).	20 hrs./permit	10,023 proposed permits during ICR time period	200,460 for 3 years of ICR
Analyzing public comments and revising the permit accordingly	40 hrs./permit	Assume comments on 1 in 10 permits (i.e., 1,002 permits)	40,080 for 3 years of ICR
Issuing the permit, including web activities and source notification.	8 hrs./permit	10,023 new permits issued during ICR time period	80,184 for 3 years of ICR
Administering general permits (Burden for issuing general permits included with other permit issuance burden)	80 hrs. per agency per year	112 agencies	8,960 hrs. per year 26,880 for 3 years of ICR
Revising a permit.	N/A	Number of issued single source permits: year 1 - 6,779 year 2 - 13,213 year 3 - 16,528	N/A

<ul style="list-style-type: none"> Significant (1 out of every 10 issued permits per year) 	60 hrs. each	Significant permit modifications: 678 - yr 1 1,321 - yr 2 1,653 - yr 3	Hours: 40,680 - yr 1 79,260 - yr 2 99,180 - yr 3 219,120 for 3 years of ICR
<ul style="list-style-type: none"> Minor (1 out of every 2 issued permits per year) 	20 hrs. each	Minor permit modifications: 3,390 - yr 1 6,607 - yr 2 8,264 - yr 3	Hours: 67,800 - yr 1 132,140 - yr 2 165,280 - yr 3 365,220 for 3 years of ICR
<ul style="list-style-type: none"> Administrative (1 out of every 2 issued permits per year) 	5 hrs. each	Administrative amendments: 3,390 - yr 1 6,607 - yr 2 8,264 - yr 3	Hours: 16,950 - yr 1 33,035 - yr 2 41,320 - yr 3 91,305 for 3 years of ICR
Renewing a permit (reviewing application, drafting any changes, public notice, issuance).	60 hrs./permit renewal	2894 renewals during ICR term	173,640 for 3 years of ICR
Renewing a general permit	10 hrs./general permit renewal	10 general permit renewals	100 for 3 years of ICR
Reviewing two semiannual monitoring reports, and the annual compliance certification.	15 hrs./permit (5 hrs. each)	Number of issued single source permits for which reports will be submitted: year 1 - 9,907 year 2 - 17,345 year 3 - 20,660	Hours: 148,605- yr. 1 260,175 - yr. 2 309,900 - yr. 3 718,680 for 3 years of ICR

Preparing and submitting to EPA annually a report of the State's enforcement activities.	40 hrs./agency	112 agencies	4,480 hrs. per year 13,440 for 3 years of ICR
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*See the Assumptions in Attachment 3 for the derivation of some of these numbers.

TOTAL BURDEN HOURS FOR PERMITTING AUTHORITIES:

4,755,189 hours for 3 years \div 3 = 1,585,063 hours per year

TABLE 2

SOURCE ACTIVITIES

ACTIVITY	BURDEN PER SOURCE	COMMENTS*	TOTAL PROGRAM BURDEN FOR 3 YEARS
Preparing a permit application, including internal meetings, permitting authority discussions, management and legal department involvement, responsible official certification, contractor services.	300 hrs.	Assume 264 permit applications during 3 years of ICR	79,200 for 3 years of ICR
Interaction with the permitting authority on draft permit development.	40 hrs.	Assume 264 new single source permits issued during 3 years of ICR	10,560 for 3 years of ICR
Development of periodic monitoring gap-filling.	40 hrs. per source	Assume gap-filling for 50% of 10,013 single source permits issued during 3 years of ICR (i.e., 5,007)	200,280 for 3 years of ICR
Public hearing participation.	10 hrs. (1 in 50 new single source permits get hearing)	10,013 new permits during ICR period 1 in 50 = 200 sources	2,000for 3 years of ICR

Operation of gap-filling periodic monitoring (annual burden to operate monitors, keep records, etc.).	200 hrs. per year	Assume gap-filling for 50% of single source permits: 3,390 - yr. 1 6,607 yr. 2 8,264 - yr. 3	Hours: 678,000 - yr. 1 1,321,400 - yr. 2 1,652,800 yr 3 3,652,200 for 3 years of ICR
Preparing semi-annual monitoring data reports, including data analysis, responsible official certification, and report submission (annual burden for both reports). Include preparing and submitting annual compliance certification.	80 hrs. per year	Issued single source permits: 9,907 - yr. 1 17,345 - yr. 2 20,660 - yr. 3	Hours: 792,560 - yr. 1 1,387,600yr. 2 1,652,800yr. 3 3,832,960for 3 years of ICR
Preparing application for permit revisions.			
<ul style="list-style-type: none"> Significant permit modifications (1 out of every 10 permits per year) 	80 hrs. each	Significant permit revisions: 678 - yr 1 1,321 - yr 2 1,653 - yr 3	Hours: 54,240 - yr. 1 105,680 - yr. 2 132,240 - yr. 3 292,160 for 3 years of ICR
<ul style="list-style-type: none"> Minor permit modifications (1 out of every 2 permits per year) 	40 hrs. each	Minor permit modifications: 3,390 - yr. 1 6,607- yr. 2 8,264 - yr. 3	Hours: 135,600yr. 1 264,280- yr. 2 330,560 - yr. 3 730,440 for 3 years of ICR

<ul style="list-style-type: none"> Administrative amendments (1 out of every 2 permits per year) 	8 hrs. each	Administrative amendments: 3,390 - yr. 1 6,607 - yr. 2 8,264 - yr. 3	Hours: 27,120 - yr. 1 52,856 - yr. 2 66,112 - yr. 3 146,088 for 3 years of ICR
Preparing an application for permit renewal.	200 hrs.	2,894 renewals during ICR term	578,800 for 3 years of ICR
Re-applying for coverage under a general permit	2 hrs.	551 sources	1,102 for 3 years of ICR
Other activities associated with permit renewal, including discussions with permitting authority and public hearing participation.	20 hrs.	2,894 renewals during ICR term	57,880 for 3 years of ICR

*See the Assumptions in Attachment 3 for the derivation of some of these numbers.

TOTAL BURDEN HOURS FOR SOURCES:

9,583,670 hours for 3 years \div 3 = 3,194,557 hours per year

PROGRAM TOTAL

4,755,189 hours (permitting authorities) + 9,583,670 hours (sources) =
14,338,859 total hours for 3 years

14,338,859 total hours \div 3 = 4,779,620 hours per year for permitting authorities and sources to implement the part 70 program

TABLE 3

EPA ACTIVITIES

ACTIVITY	BURDEN PER INDIVIDUAL PERMIT OR PROGRAM	COMMENTS	TOTAL PROGRAM BURDEN FOR 3 YEARS
Review proposed permits and permit revisions to determine if they provide for compliance with all applicable requirements.	N/A	N/A	N/A
o New permits	20 hrs. per new permit	Review 25% of 10,023 permits issued during ICR term (2506 permits)	50,120 for 3 years of ICR
o Significant permit revision	8 hrs. per revision	Review all. Revisions: 678 - yr. 1 1,321 - yr. 2 1,653 - yr. 3	Hours: 5,424 - yr. 1 10,568 - yr. 2 13,224 - yr. 3 29,216 for 3 years of ICR
o Minor permit revision	1 hr. per revision	Review all. Revisions: 3,390 - yr. 1 6,607 - yr. 2 8,264 - yr. 3	Hours 3,390 - yr. 1 6,607 - yr. 2 8,264 - yr. 3 18,261 for 3 years of ICR

Review periodic monitoring provisions of proposed permits or permit revisions to see if they are adequate to demonstrate compliance with applicable requirements.	N/A	Burden included above in review of permits and revisions.	N/A
Consult with the permitting authority on any problems detected in the proposed permit or permit revision.	N/A	N/A	N/A
o New permits	8 hrs. per new permit	Consult on 25%. 10,023 permits issued during ICR term (2,506)	20,048 years of ICR
o Significant permit modifications	8 hrs. per revision	Consult on 25%. Sig. mods: 678 - yr. 1 (170) 1,321 - yr. 2 (331) 1,653 - yr. 3 (414)	Hours: 1,360 - yr. 1 2,648 - yr. 2 3,312 - yr. 3 7,320 for 3 years of ICR
o Minor permit modifications	1 hr. per revision	Consult on 25%. Minor mods: 3,390 - yr. 1 (848) 6,607 - yr. 2 (1652) 8,264 - yr. 3 (2066)	Hours: 848 - yr. 1 1,652 - yr. 2 2,066 - yr. 3 4,566 for 3 years of ICR
Review the annual report of enforcement activities.	10 hrs. per report	112 agencies	3,360 for 3 years of ICR

TOTAL FOR EPA: 132,891 hours for 3 years ÷ 3 = 44,297 hours per year